

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Previously presented) A surgical implant for replacing functions of a facet joint between adjacent vertebrae, the surgical implant comprising:

 a first biocompatible attachment device for attaching to a first pedicle of a superior vertebrae;

 a second biocompatible attachment device for attaching to a second pedicle of an inferior vertebrae; and

 a flexible member attached to the first and second biocompatible attachment devices; wherein the first and second biocompatible attachment devices are positioned, and the flexible member is adapted, so that the surgical implant applies a distracting force between the superior and inferior vertebrae sufficient for selectively maintaining the first and second pedicles at a predetermined distance, wherein the flexible member includes a joint component positioned between the first and second biocompatible attachment devices, wherein the joint component is configured to allow motion at the facet joint.

2. (Original) The surgical implant of claim 1 wherein the flexible member is further adapted to be compressed in response to a second force that exceeds the distracting force.

3. (Cancelled)

4. (Previously presented) The surgical implant of claim 1 wherein the flexible member further includes a first flexible member connected between the first biocompatible attachment device and the joint component, and a second flexible member connected between the second biocompatible attachment device and the joint component, and wherein the first and

second flexible members are connected together at the joint component and are adapted to rotate relative to each other at the joint component.

Claims 5-40 (Cancelled).

41. (Previously presented) The surgical implant of claim 1 wherein the flexible member attaches to the adjacent vertebrae only at the first and second biocompatible attachment devices.

42. (Previously presented) The surgical implant of claim 1 wherein the flexible member further includes:

a first component comprising:

an elongated body, wherein the joint component comprises a first joint having a first opening wherein the first opening contains an elastic material;

a second component comprising:

an elongated body, wherein the joint component further comprises a second joint having a second opening wherein the second joint is coupled with the first joint, and the second opening contains the elastic material; and

a connector covering the first joint and the second joint wherein the connector comprises the elastic material.

43. (Previously presented) The posterior device of claim 42 wherein the first component further comprises a pointed tip adapted for percutaneous insertion of the posterior device.

44. (Previously presented) The posterior device of claim 42 wherein the second component further comprises a pointed tip adapted for percutaneous insertion of the posterior device.

45. (Previously presented) The posterior device of claim 42 wherein the connector is olive-shaped.

46. (Previously presented) The posterior device of claim 42 wherein the first component and the second component are coupled at an angle of approximately 45° to the horizon to simulate the orientation of the facet joint.

47. (Previously presented) The posterior device of claim 42 wherein the first component and the second component are coupled at an angle of approximately 60° to an axial plane and 20° to a frontal plane of a human body.

48. (Previously presented) The posterior device of claim 42 wherein the first component and the second component are coupled at an angle of approximately 90° to an axial plane and 45° to a frontal plane of a human body.

Claims 49-58 (Cancelled).

59. (Previously presented) The surgical implant of claim 1 wherein the flexible member further includes:

a first component comprising:

an elongated body, wherein the joint component comprises a first joint having a first opening;

a second component comprising:

an elongated body, wherein the joint component further comprises a second joint coupled with the first joint, wherein the first and second joints are configured to provide motion to the flexible posterior device during use.